

1
2
3
4
5
6
7
8 **BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON**

9
10 RE: Avana Ridge PUD

11 Preliminary Planned Urban
12 Development

13 LUA15-000894, PP, PPUD

)
)
) **FINAL DECISION**
)
)
)
)
)
)

14
15 **SUMMARY**

16 The applicant proposes a preliminary planned urban development for the construction of two multi-
17 family buildings on a 3.8 acre parcel for a total of 74 dwelling units. The applicant seeks PUD
18 approval in order to vary from a number of zoning code standards, including an increase in allowed
19 building and retaining wall height, a reduction in required roof pitch, a decrease in required parking
20 and a decrease in required private open space. The PUD is approved subject to conditions.

21 **TESTIMONY**

22 *Note: The following is a summary of testimony provided for the convenience of the reader only and*
23 *should not be construed as containing any findings of fact or conclusions of law. The focus upon or*
24 *exclusion of any particular testimony or hearing evidence in this summary is not reflective of the*
25 *priority or probative content of any particular hearing evidence and no assurance is made as to*
26 *accuracy.*

24 Rocale Timmons, senior City of Renton planner, summarized the proposal. She noted that
25 recommended Conditions 14 and 15 of the staff report, requiring dedications for light fixtures, was in
26 error as there is sufficient space proposed for the lights. The two conditions should be stricken. In
response to examiner questions, Ms. Timmons noted that property to the east is zoned Residential 8.
She also noted that there has been no indication that the proposal would impair any views. Traffic

1 calming features were considered for access roads and in staff's opinion the proposed speed radar
2 signs were sufficient to control speeds. There is no public trail system close by. Sidewalk
3 improvements are required for the intersection of 172nd and Benson Rd. S. in order to assure safe
4 walking conditions to school bus stops and continuous sidewalk connections to the surrounding
5 sidewalk network.

6 Rohini Nair, City of Renton traffic engineer, noted that queuing issues on Benson Road South and
7 Benson Drive South was a major neighborhood concern. The City had the applicant's traffic engineer
8 model queuing and from this it was found that new turning restrictions proposed for the project would
9 reduce current queuing off of Benson Road South. A new condition of approval will be submitted by
10 staff to require the new turn restrictions. Regarding speeding on 104 and 106, it is staff's opinion that
11 the radar speed signs will adequately address the problem.

12 Brian Paldar, project architect, noted that as a result of project modifications necessitated by permit
13 review the applicant needs to request a minor increase in the proposed height from 8' 3" floor to
14 ceiling to an 8' 6" floor to ceiling to accommodate ventilation systems. The east building will still be
15 under the 40 foot limit. The west building will need to be increased in height 1.6 feet for a total of
16 41.6 feet. No changes are proposed to the roof line. The PUD process enables the applicant to
17 preserve a lot of on-site vegetation and other natural features. There will be no view impacts since
18 existing trees are up to 60 feet high, taller than the proposed buildings. Any existing territorial views
19 would be to the west and would be unaffected by the proposal. In response to examiner questions,
20 there currently is no on-street parking on SE 172nd St. Mr. Paldar also noted that the "eyes on the
21 street" caused by dwellings overlooking 172nd, as well as more pedestrians using the proposed
22 pedestrian facilities, would probably serve to reduce crime.

23 Larry Hobbs, applicant's traffic engineer, noted that the channelization changes that would improve
24 queuing from the Benson Road S. access would be composed of a left turn lane and a shared left and
25 right turn lane and a change out in a traffic signal face. With the channelization changes the queue
26 lengths are reduced from 372 feet to 212 feet and will be shorter than pre-development conditions.
The channelization changes double vehicle storage space.

19 Doug Goods, neighbor, doesn't support or oppose the project, he just wants to make sure his concerns
20 are addressed. He has seen a significant increase in traffic in the vicinity over the years. Traffic
21 backs up all the way from Puget Drive. He wanted to know why the applicant's proposal to put in a
22 median on 172nd wasn't recommended by staff. He doesn't believe that the applicant's solution to the
23 queuing problem will be solved by the rechanneling, given the amount of new development in the
24 area. He felt that more traffic calming measures should be implemented for 104 and 106th avenues,
25 such as speed bumps, however he's not as concerned as much about speed as he is about increased
26 traffic.

25 Molly Moss, neighbor, is against the proposal. She feels that the access to 172nd street will increase
26 traffic on her street (104th) as well as 105th and 106th avenues. Currently the neighborhood has a low
level of traffic. This will be a safety hazard as the streets are currently used by children. None of the

1 roads have uninterrupted sidewalks to Nelson Middle School.

2 Jerry Miller, neighbor, noted that the streets impacted by the proposal haven't been adequately
3 described. There's a new development at the northeastern corner of intersection of Benson and 172nd
4 with several dozen units and this will add to the traffic problem. If the right in/right out 172nd
5 solution proposed by the applicant for 172nd were to be implemented, people would be doing u-turns
6 on their driveway so he and Anna Miller are opposed to that solution.

7 Anna Miller, neighbor, noted that parking from the project will spill onto adjoining streets making
8 traffic circulation difficult. 172nd is very narrow and traffic is already very poor in the area. In the
9 next 5-10 years traffic will be a nightmare.

10 Paul Skulstad, neighbor, felt that access to the proposal should be from SR 515 instead of 172nd. The
11 surrounding community doesn't have sidewalks for students walking to and from school. Electronic
12 radar signs aren't needed. 172nd has a portion that's like a washboard, which slows down vehicles.
13 The traffic analysis for the project doesn't take into account traffic that will be generated by other
14 projects in the pipeline, including a large apartment complex directly across the street and a medical
15 dental complex. People are having trouble finding parking already in the apartment complex and it
16 hasn't been completed yet. There's also another 21 lot subdivision and another complex on Benson
17 being constructed. The Benson and Benson intersection needs to be redone. The two left turn lane
18 solution was obvious. There should be a third left turn lane.

19 Karen and Polo Cantu, neighbors, noted that the roads of her neighborhood do not have sidewalks or
20 shoulders. Her and her husband purchased their home because of the uncommonly spacious lots and
21 quiet neighborhood. She still feels safe walking the streets. The proposed access onto 172nd St. is too
22 close to the 106th Ave. Residents of the proposed apartments will quickly realize that driving through
23 the neighborhood will be much quicker than driving through the Benson/Benson intersection. A
24 radar speed sign will not reduce the volume of traffic. The traffic study doesn't account for new
25 development or the impact on 106th street and other neighborhood roads. Based upon 1.8 cars per
26 dwelling unit and round up to two cars to account for visitors, the proposed parking is insufficient.
The access should be moved from 172nd to SR 515. 172nd St. is inaccurately classified as a
commercial street in the ERC report. It currently primarily serves residential use.

Nancy Stanley, neighbor, noted that the 162 unit Trails apartment complex across the street is still
under construction and its traffic impacts haven't been fully evaluated.

Danny Kumono, neighbor from Kelsey Court condominiums, affirmed that the traffic impacts of the
Trails complex hasn't yet been realized as its still under construction. Crime has increased as a result
of the Trails. Cars turning right onto
Benson from 172nd aren't slowing down. Visibility is poor because of the road curvature, so there are
a lot of close calls in making a left turn. In the evening the Benson/Benson intersection is fully
congested and it's not possible to make a left turn. A larger area should be considered when doing a
traffic analysis.

1 Dan Palmer, neighbor, noted that 104th, 105th and 106th has been an oasis of a neighborhood with big
2 yards and quiet streets. There's currently no through traffic. There's no vehicle pollution. There are
3 people with respiratory problems in the neighborhood who will be adversely affected by the pollution
4 from increased traffic. He noted there are no sidewalks, stormwater systems or lights on the roads.
5 The neighborhood is full of wildlife and trees and is an important watershed area. High impact
6 buildings are not compatible with this environmentally fragile area. Transfer of development rights
would work well here. The building design is not compatible with the surrounding 60 year and turn
of the century homes. Even the new CVC store is more aesthetically pleasing.

7 In rebuttal, Ms. Timmons noted that the area was annexed into the City from King County in 2008,
8 which is why the streets don't have sidewalks or street lighting. The site was zoned commercial
9 arterial when it was annexed into the city. That zoning designation allowed 60 du per acre. A
10 subsequent rezone reduced the density to the currently applicable 20 du per acre. The site serves as a
11 transition zone from the commercial development to the south to the residential use to the north.
12 172nd is classified as a commercial use street because of the transportation needs to the south. The
13 proposed development will create many of the improvements necessary to upgrade 172nd to
14 commercial use. The City currently has no transfer of development rights program. The design of the
15 project is set by the City's design standards. SR 515 would not be a suitable access point because of
16 significant change in grade at the southern portion of the site. Several retaining walls are necessary to
17 stabilize this portion of the project. SR 515 is a commercial arterial street and the City limits access
18 points. WSDOT would also restrict access from the state road. There are also critical areas that
19 would prevent access from the south. Parking is set by city code based upon the number of
bedrooms, which in this case is 96 stalls. The applicant has requested a two stall reduction. The
project site has a significant amount of open space to accommodate wildlife. The applicant's request
for an additional 1.5 feet in building height has been reviewed by City staff. Given the extensive
number of PUD benefits and large amount of open space, staff supports the request for additional
height. As to safe routes to schools, it's expected that students will not use 106/104/105 roads to get
to Nelson Middle School. They would use Benson Road to walk safely to Nelson. Molly Moss noted
that while student from the proposal may use Benson Road, students residing on 106/104/105 would
still be walking their neighborhood roads.

20 In response to examiner questions, Ms. Nair noted that the traffic study included traffic from all
21 approved land use applications, including the Trails project across the street. The lane configuration
22 will result in improved queuing lengths even with the traffic of the Trails project taken into
23 consideration. Staff is not opposed to having south bound traffic subject to a radar speed sign as well
on 104th and 106th streets. WSDOT may not approve a direct access onto SR 515 because of the
availability of other access routes.

24 Larry Hobbs, applicant's traffic engineer, testified that the traffic report was prepared pursuant to City
25 guidelines and trip generation estimates from the latest edition of the ITE Trip Generation Manual.
26 The report was subjected to peer review, which concurred with the traffic analysis. The Trails project
was included in the background traffic along with a percentage traffic growth rate required by the

City. The traffic analysis concluded that 10% of the AM peak hour traffic would be heading west (using 106/104/105), which is 4 trips and five trips for PM peak hour. This is only one additional vehicle every 12 or 15 minutes on the three streets. The radar speed limit sign isn't necessary. WSDOT would not allow access onto SR 515 since other reasonable access is available.

Brent Carson, applicant's attorney, noted that the land use designations of the site could not be questioned at this point. Many of the concerns of the neighbors concern SEPA issues that haven't been appealed. Given the minor number of trips generated on 106/104/105 and verification from peer review on the applicant's analysis of this issue, the City has no nexus and proportionality to require mitigation such as the radar controlled sign.

EXHIBITS

The May 10, 2016 Staff report in addition to Exhibits 1-23 identified in pages 2 of the Staff Report were admitted into the record at the May 10, 2016 hearing. The staff power point presentation was admitted as Ex. 24. Revised elevations were submitted by the application and admitted as Ex. 25. Ex. 26 was submitted by the applicant and admitted as a color site plan. Ex. 27 were admitted as west building elevations and Ex. 28 as east building elevations. Google maps was admitted as Ex. 29.

FINDINGS OF FACT

Procedural:

1. Applicant. Avana Ridge LLC.
2. Hearing. A hearing on the application was held on May 10, 2016.

Substantive:

3. Project Description. The applicant proposes a preliminary planned urban development for the construction of two multi-family buildings on a 3.8 acre parcel for a total of 74 dwelling units. The requested modifications are summarized as follows:

RMC Code Citation	Required Standard	Requested Modification
RMC 4-2-110A Development Standards for Commercial Zoning Designations- Roof Pitch	Roof pitches are required to be equal to or greater than 4:12 and may project an additional six (6) vertical feet from the maximum wall plate height.	This proposal includes a roof pitch of 2:12

RMC 4-2-110A Development Standards for Commercial Zoning Designations- Roof Pitch	A maximum building height of 3 stories with a wall plate height of 30 feet is permitted.	The proposal includes a height of 46-feet and 5-inches as measured from average grade plane to the tallest point of the shed roof elements.
RMC 4-6-060F Street Standards	Various: See discussion in Table C: PUD Criteria - Circulation	Various: See discussion under FOF xx: PUD Criteria - Circulation
RMC 4-3-100 Urban Design Standards	Various: See discussion in Table E: Design District 'D' Standards	Various: See discussion under FOF xx: Design District 'B' Standards
RMC 4-4-080F, Parking, Loading, and Driveway Regulations	Based on the proposed use, a minimum and maximum of 96 parking spaces would be allowed in order to meet code.	The applicant proposed a total of 94 spaces within surface parking areas. The proposal does not comply with the minimum parking stall requirements.
RMC 4-4-090, Refuse and Recyclables Standards	There shall be at least one deposit area/collection point for every thirty (30) dwelling units.	The proposal includes a single refuse/recycle storage location centrally located, between both buildings at the center of the site.
RMC 4-4-040, Retaining Wall Height	Heights are limited to 48 inches for retaining walls located within front yard/side yard along-a-street setbacks, and 72 inches for walls elsewhere on site.	A section of the keystone-type wall located near the monument sign at the Benson Road/Benson Drive intersection is proposed at a height of 5.5 feet. A section of the keystone-type wall located near the monument sign at the Benson Road/Benson Drive intersection is 5 feet and 6-inches tall.
RMC 4-9-150.E.2, Private Open Space	Each residential unit in a PUD shall have usable private open space for the exclusive use of the occupants of that unit in compliance with dimensional standards.	The current proposal provides 4,156 SF of private, attached open space through the use of private balconies for some of the units which does not comply with the dimensional standards.

The project site is currently vacant and bisected by a stream. Access to the site is proposed via SE 172nd St, between the east and west buildings, and another ingress/egress point via Benson Rd S. The two access points create a through road for emergency vehicle ingress/egress across the property.

4. Adequacy of Infrastructure/Public Services. The project will be served by adequate infrastructure and public services as follows:

- 1
- 2 A. Water and Sewer Service. Water and sanitary sewer service for the development would be
- 3 provided by the Soos Creek Water and Sewer District. A water and sewer availability
- 4 certificate from the Soos Creek utility district was submitted to the City with the land use
- 5 application. Approved water and sewer plans from Soos Creek are required to be
- 6 provided during utility construction permit approval.
- 7
- 8 B. Fire Protection. Fire protection would be provided by the City of Renton Fire Department.
- 9
- 10 C. Drainage. In conjunction with the City's stormwater regulations, the proposal mitigates
- 11 all significant drainage impacts. New impervious surfaces would result in surface water
- 12 runoff increases. The Applicants submitted a Technical Information Report ("Drainage
- 13 Report") with the project application (Exhibit 9). The stormwater detention and water
- 14 quality treatment would be provided within a combined detention/water quality vault
- 15 under the parking area located in the western portion of the site. The combined
- 16 detention/water quality vault would be followed by a media filtration system to
- 17 accommodate the Enhanced Water Quality Treatment requirements for multi-family
- 18 development. Further staff review will be conducted for final PUD approval.
- 19
- 20 D. Parks/Open Space. The project provides for adequate parks and open space. For parks
- 21 impacts, the applicant will be paying a park impact fee, which is currently assessed at
- 22 \$975.50 per multi-family dwelling unit.
- 23
- 24
- 25
- 26

The proposed development is designed specifically to increase the access and opportunity for open space and in sheer numbers harbors a significant amount of open space as well. The project includes 19,795 square feet of community open space in the southern portion of the site in addition to 49,918 square feet of critical area space. Beyond the space required for critical areas, Renton has no public open space requirements for multi-family developments except for some nonspecific standards in its design regulations. A small fenced off-leash dog run is provided at the east side of the site between a landscape buffer and the parking lot among a grove of existing trees to be preserved. The multiple open spaces throughout the site are well designed and provide a variety of recreational opportunities both passive and active. Due to the presence of a stream along the lower area of the site, a natural border exists. A pedestrian bridge crosses the stream to link the open space and the residential developments.

1 A central path and complementing pedestrian bridge crossing will be constructed to create
2 an access point to the southern community open space from the surface parking lot. The
3 large area would be ample usable space for passive recreation and special events such as
4 picnics, parties, weddings, movie night in the park, concerts, etc.; thereby promoting
5 community involvement. Additionally, the space would take advantage of and display the
6 attractive territorial views to the West. Finally, the space would serve to preserve and
7 enhance existing vegetation and natural character through tree preservation, removal of
8 extensive invasive Blackberries, and replacement with native understory vegetation to be
9 maintained through the life of the development.

10 The space features a large, central, gently sloping lawn for casual seating and recreation.
11 The lawn is oriented to slope down towards an open pavilion whose intended use includes
12 performances, and community gatherings. The pavilion is also sited to capture and frame
13 the attractive territorial views to the West.

14 The applicant has indicated that there is an opportunity to include interpretive
15 signage/information regarding differentiating elements (trees, landscaping, drainage,
16 architecture, etc.) of the proposed development at strategic place(s) on site. The use of
17 interpretive signage would result in an increase in public benefit for the overall project.
18 Therefore, a condition of approval requires the applicant to provide interpretive
19 signage/information regarding differentiating elements (trees, landscaping, drainage,
20 architecture, etc.) of the proposed development at a strategic place(s) on site.

21 A resident amenity lounge located on Level 1 of the West building takes advantage of
22 outdoor space and integrates an outdoor plaza intended for gathering spaces, barbecues,
23 and lounge areas for a variety of opportunities for the residents. The area opens up the
24 western portion of the site and provides a softer building edge and brings visual interest to
25 what would normally be considered the “side” elevation of the project.

26 E. Pedestrian Circulation. The proposal provides for an appropriate pedestrian circulation
system. The applicant has proposed a series of pedestrian connections throughout the site
however it is unclear if there is a differentiation of materials across the drive aisles
(Exhibit 2). Therefore, as recommended by staff, a condition of approval requires the
applicant to revise the site plan to depict a differentiation in materials for all pedestrian
connections within parking areas and/or drive aisles on site.

F. Off-Site Traffic Improvements. The proposal is served by adequate and appropriate off-
site street infrastructure.

1
2 Based upon the applicant's traffic impact analysis ("TIA"), Ex. 15, staff have determined
3 that the project will comply with the City's level of service standards. It is anticipated that
4 the proposed development would generate approximately 492 average daily trips with 38
5 AM peak-hour trips and 46 PM peak-hour trips. The TIA assessed traffic impacts on three
6 affected intersections as required by City standards. The TIA concluded that all
7 intersections will operate at an acceptable level of service with the proposed development.
8 Staff have also determined that the proposal passes City concurrency standards as outlined
9 in Ex. 23. Analysis of future conditions address cumulative impacts of the proposed
10 project and traffic growth in the study area. Traffic signal warranty analysis was also
11 provided at the intersection of SE 172nd St and Benson Rd S. The report states there is no
12 need for a signal at the intersection as a result of the project. The TIA concludes that sight
13 distance requirements are met at the site access driveway onto SE 172nd St and with
14 vegetation trimming, within the right of way, at the site access driveway to Benson Rd S
(Exhibit 15). ct. The conclusions of the report were accepted by staff and not disputed by
a qualified traffic expert, therefore they are taken as verities. Staff also concluded in the
staff report that the proposed circulation system is adequate to accommodate emergency
vehicles and there is no evidence in the record to the contrary. Payment of traffic impact
fees as required by the Renton Municipal Code will assure that the applicant pays its
proportionate share of system-wide traffic improvements.

15 A major concern of the neighbors was traffic impacts to 106 Ave SE, 104 Ave SE and 105
16 Ave SE. In uncontested testimony, several neighbors testified that these roads are
17 isolated, currently accommodate a minimal amount of traffic and are not developed with
18 sidewalks or shoulders that can be used for pedestrian traffic. By contrast, the project's
19 access to SR 515, the most likely thoroughfare to be used by project residents, can only be
20 directly accessed by passing through the Benson Road S./SR 515 intersection, which is
21 subject to severe congestion during the AM and PM peak hour. Neighbors are concerned
22 that this congestion will cause vehicles going to and leaving the project site to drive
23 through the 105/104/106 Ave SE roads. A SEPA mitigation measure requires the
24 installation of speed radar signs for southbound traffic on 104th and 106th to slow down
25 some of this new traffic. Although a review of the surrounding road network shows that
26 persons may very well choose to drive through 105/104/106 to avoid the Benson/SR 515
intersection as well as other traffic problems in the area, the applicant's traffic analysis
reveals that the project will only add five PM peak hour trips and four AM peak hour trips
into the 105/104/106 roads. The applicant's traffic analysis was verified by peer review.
Given the expert traffic analysis prepared by the applicant and the independent expert
verification conducted under the peer review, the applicant's traffic analysis is taken as a

1 verity given the absence of any expert testimony to the contrary. With only a maximum of
2 five additional trips per hour generated by the proposal, there is no basis to require more
3 than the speed radar signs required by the SEPA mitigation measures. Neighborhood
4 residents are certainly correct to assert that the cumulative impacts of all projects must be
5 considered when assessing traffic impacts, but there is nothing in the record to suggest that
6 the speed radar sign required of the applicant is less than the applicant's fair share of
7 mitigating these cumulative impacts. Case law is very clear in the State of Washington
8 that the City has the burden of proof in establishing that any required road improvements
9 are proportional and attributable to impacts created by development. *See Burton v. Clark*
10 *County*, 91 Wn. App. 505, 516-17 (1998). For this application, there is no evidence to
11 suggest that more than the speed radar signs required by SEPA is necessary to off-set the
12 traffic impacts caused by the proposal on the 105/104/106 roads.

13 Another issue frequently cited by neighbors was the queuing length at the Benson Road
14 S./SR 515 intersection. Uncontested traffic analysis conducted by the applicant
15 establishes that with re-channelization measures required by this decision, queue lengths
16 will be reduced from 372 feet to 212 feet and will be shorter than pre-development
17 conditions, even when added traffic from recently approved development projects is
18 incorporated into the analysis. Since the proposal will be improving upon existing
19 queuing conditions at the Benson Road S./SR 515 intersection, no further mitigation can
20 be required.

21 A few neighbors also suggested that project access directly connect to SR 515 instead of
22 SE 172nd St. As testified by City staff, direct access onto a limited access thoroughfare
23 such as SR 515 is avoided by both the City and the state (which also regulates SR 515
24 access) when reasonable alternate project access is available. Further, direct access would
25 be highly challenging given the critical areas (stream and coal mine hazard) and steep
26 grade on the south portion of the project site. Direct access to SR 515 is not warranted or
feasible for this project.

Several people also testified about walking conditions to and from school. Students may
very well be walking to Nelson Middle School, located to the north of the project site.
Nelson Middle School can be accessed via Benson Road S. which has sidewalks between
the school and the project site. As part of the proposed project, sidewalks would be
constructed along the frontage of the site and would connect to the existing sidewalk
system. However, the frontage along the daycare center at the southwest corner of the
intersection of Benson Road S. and SE 172nd Ave is missing some sidewalk linkage. For
this reason, the conditions of approval require improvements to be made along the day

1 care frontage to fill in the missing sidewalk connections. As noted by Ms. Moss, there are
2 still no sidewalks along the 105/104/106 streets. As previously discussed, the proposal
3 will add a minor amount of traffic to these roads, and for the reasons previously discussed,
4 the speed radar sign required of the applicant adequately mitigates against the applicant's
proportionate share of impacts to these roads.

5 A few neighbors testified that they believed that the applicant's traffic analysis did not
6 include traffic generated by other projects. However, as testified by both staff and the
7 applicant, the applicant's traffic analysis did in fact factor in the traffic of currently
8 approved projects as well as a general background traffic increase factor required by City
standards.

9
10 5. Adverse Impacts. Since the project provides for adequate infrastructure and public services,
11 the only remaining impacts to be considered are to critical areas. There are two critical areas at the
12 project site – a Type Ns stream bisects the project site and a high coal mine hazard is located in the
southern portion of the site.

13 A. High Coal Mine Hazard. As conditioned, the proposal has been adequately mitigated to
14 address any significant adverse impacts to coal mine hazards. High Coal Mine Hazards are
15 considered areas with abandoned and improperly sealed mine openings and areas underlain
16 by mine workings shallower than 200 feet in depth for steeply dipping seams, or shallower
17 than 15 times the thickness of the seam or workings for gently dipping seams. These areas
18 may be affected by collapse or other subsidence. A Coal Mine Hazard Assessment was
19 performed by Icicle Creek Engineers, Inc. on March 22, 2004 and January 20, 2009
(Exhibits 7 and 8). The studies found that the southern portion of the project site overlays
a historic coal mine known as the Springbrook Mine, along with the opening to the mine.
The study further found that the Springbrook Mine meets the City's criteria for a high coal
mine hazard.

20 Several recommendations to mitigate potential risk of the coal mine hazard/former entry
21 were included in the Icicle Creek Engineer report, including the excavation of the fill at the
22 mine entry and backfilling with controlled density fill (Exhibit 8). However, these
23 recommendations were based on a former development proposal which included structures
24 in the southern portion of the site. The proposed development is setback approximately 125
25 feet from the coal mine hazard and would likely not have the same impacts as the former
development. However, there are some grading activities and smaller recreational
improvements in the proximity of the coal mine hazard which may potentially be affected
by mining related subsidence.

26 A SEPA mitigation measure was issued requiring an updated Coal Mine Hazard Report
demonstrating the proposal would not increase the threat of the geological hazard to

1 adjacent or abutting properties beyond pre-development conditions and the development
2 can be safely accommodated on the site (Exhibit 20).

3 B. Type Ns Stream. As conditioned, the proposal has been adequately mitigated to address
4 any impacts to the on-site stream. The applicant submitted a Wetland and Supplemental
5 Stream Study, prepared by Ed Sewell Consulting Inc., dated December 22, 2015 (Exhibit
6 10). The report identifies an unnamed seasonal stream (Stream A) that bisects the northern
7 and southern portions of the site and runs from east to west. As defined by RMC 4-3-
8 050.G the stream best meets the criteria of a Type Ns stream due to its intermittent flow
9 and lack of fish use. Class Ns streams have a standard buffer of 50 feet as measured from
10 the Ordinary High Water Mark (OHWM) as well as a 15-foot setback from the edge of the
11 buffer to any structure. The applicant is proposing buffer averaging for portions of the
12 stream buffer. Additionally, the applicant is proposing an alteration within the stream and
13 its associated buffer for a pedestrian crossing. With the conditions recommended in the
14 staff report (and adopted by this decision), the proposed buffer averaging and stream
15 alteration conforms to the City's critical areas regulations for the reasons identified at page
16 14 of the staff report.

17 C. Wildlife/Vegetation. As noted in the applicant's habitat assessment, there are no state or
18 federally listed species on or near the site and there are no rare or unique plant
19 communities on the site. The only wildlife/vegetation subject to protection at the project
20 site are trees. The City's adopted Tree Retention and Land Clearing Regulations require
21 the retention of 20 percent of trees in a residential development. As noted at p. 10 of the
22 staff report, the City's tree retention standards specifically require the retention of 42 trees
23 and the applicant is retaining 46 trees. As further noted at p. 10, City tree density
24 requirements require a total of at least 132 trees at the project site. A condition of approval
25 requires that the applicant demonstrate compliance with this standard as the application
26 materials are unclear as to the total amount of trees that will be planted at the project site.
Beyond trees, since there are no wildlife species specifically protected by City of Renton
regulations, there is no basis to regulate or restrict the project based upon wildlife or
vegetation impacts.

D. Compatibility. The project is compatible with surrounding development as it is within the
range of densities authorized by applicable zoning standards and is heavily regulated by
the City's "Design District B" design standards. As testified by staff, the intermediate
densities authorized for the site are intended to serve as a transition between the
commercial uses to the south and the residential uses to the north. The higher densities of
the project site, compared to the northern residential uses, is mitigated by the perimeter
landscaping and emphasis upon aesthetic design imposed by the City's design standards.
On the north perimeter of the project, where compatibility issues would be most
pronounced, the adjacent residential dwellings would be screened from the surface parking
lot through the use of landscape buffers, building modulation and new proposed street
trees. The design may not bear any similarity to the design of the turn of century homes in

the vicinity, but the applicant was required to comply with Design District B standards and no one has suggested that staff's finding of compliance with these standards was in error.

- E. Respiratory Problems. One neighbor testified that he was concerned that pollution caused by increased project traffic would exacerbate the respiratory problems of some neighbors living close to the project site. Without any scientific evidence to substantiate this assertion, there is insufficient evidence to reasonably conclude that the relatively modest traffic generated by the proposal would exacerbate respiratory problems.

6. Superiority in Design. The development of this site as a PUD results in a superior design than what would result by the strict application of the Development Standards for the following reasons: natural features, overall design, and building and site design. The proposed design provides for the retention of the natural grade on site, significant trees and a noteworthy amount of landscaping and re-vegetation. Additionally, the plan provides for both active and passive recreation spaces significantly beyond the standard code requirements. The proposed design can provide for the aforementioned amenities because of the modifications requested for the PUD as outlined in Finding of Fact No. 3. The modifications approved by this decision contribute to and enable the superior design proposed for this project by increasing available space for open space and natural site features.

7. Public Benefit. The proposal provides several public benefits as detailed in pages 17-20 of the Staff Report, adopted and incorporated by this reference as if set forth in full.

CONCLUSIONS OF LAW

Procedural:

1. Authority. RMC 4-9-150(F)(8) authorizes the Examiner to conduct hearings and make final decisions on planned urban development applications.

Substantive:

2. Zoning/Comprehensive Plan Designations. The project site is zoned Residential Multi-Family (RMF) and has a comprehensive plan land use designation of Residential High Density.

3. Review Criteria. A PUD may be pursued by "any applicant" as authorized by RMC 4-9-150(B), which is interpreted to authorize the application of PUD regulations to multi-family development projects. RMC 4-9-150(D) governs PUD criteria. Those criteria are quoted below in italics and applied through corresponding conclusions of law.

RMC 4-9-150(B)(2): *Code Provisions That May Be Modified:*

a. *In approving a planned urban development, the City may modify any of the standards of chapter 4-2 RMC, chapter 4-4 RMC, RMC 4-6-060 and chapter 4-7 RMC, except as listed in subsection B3 of*

1 *this Section. All modifications shall be considered simultaneously as part of the planned urban*
2 *development...*

3 4. As shown in Finding of Fact No. 3, the requested revisions are limited to the regulations
4 identified in the regulation quoted above with the exception of the Private Open Space modification
5 to RMC 4-9-150.E.2. As such, the conditions of approval require that the applicant provide a revised
6 site plan demonstrating compliance with the private open space standards of RMC 4-9-150.E.2.

7 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
8 *following requirements are met.*

9 *1. Demonstration of Compliance and Superiority Required: Applicants must demonstrate that a*
10 *proposed development is in compliance with the purposes of this Section and with the Comprehensive*
11 *Plan, that the proposed development will be superior to that which would result without a planned*
12 *urban development, and that the development will not be unduly detrimental to surrounding*
13 *properties.*

14 5. The criterion is met. The purposes of the PUD regulations, as outlined in RMC 4-9-150(A),
15 are to preserve and protect the natural features of the land and to encourage innovation and creativity
16 in development of residential uses. As outlined in Finding of Fact No. 4 and 5 the natural features of
17 the site are protected by open space, buffers and mitigation that significantly exceeds minimum code
18 standards. The proposal involves innovation and creativity via the integration of critical area open
19 space into the recreational open space of the project site. The project is consistent with the
20 comprehensive plan as determined in Finding of Fact No. 22 of the staff report. As determined in
21 Finding of Fact No. 6, the proposal is superior in design to what which would occur without a PUD.
22 As determined in Finding of Fact No. 4 and 5 the project will not create any significant adverse
23 impacts and so would not be unduly detrimental to surrounding properties.

24 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
25 *following requirements are met.*

26 ...
27 *2. Public Benefit Required: In addition, Applicants shall demonstrate that a proposed development*
28 *will provide specifically identified benefits that clearly outweigh any adverse impacts or undesirable*
29 *effects of the proposed planned urban development, particularly those adverse and undesirable*
30 *impacts to surrounding properties, and that the proposed development will provide one or more of*
31 *the following benefits than would result from the development of the subject site without the proposed*
32 *planned urban development:*

33 ...
34 *b. Natural Features: Preserves, enhances, or rehabilitates natural features of the subject*
35 *property, such as significant woodlands, native vegetation, topography, or noncritical area*
36 *wildlife habitats, not otherwise required by other City regulations; or...*

1 *e. Overall Design: Provides a planned urban development design that is superior to the*
2 *design that would result from development of the subject property without a planned urban*
3 *development. A superior design may include the following: ...*

4 6. The proposal provides for public benefit by providing amenities related to natural features and
5 overall design that significantly exceed code standards as determined in Finding of Fact No. 7. These
6 benefits clearly outweigh any adverse impacts since there are no significant adverse impacts
7 associated with the proposal as determined in Finding of Fact No. 4 and 5. The integration of the
8 natural features of the site with the recreational/open spaces of the site is particularly well done and
9 will succeed in providing significant aesthetic and recreational benefits to project residents as well as
10 retaining a significant amount of green space and vegetation for the surrounding community.

11 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
12 *following requirements are met.*

13 ...

14 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
15 *consistency with all of the following criteria:*

16 a. *Building and Site Design:*

17 i. *Perimeter: Size, scale, mass, character and architectural design along the planned urban*
18 *development perimeter provide a suitable transition to adjacent or abutting lower density/intensity*
19 *zones. Materials shall reduce the potential for light and glare.*

20 7. The criterion is met for the reasons identified at page 21 of the staff report.

21 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
22 *following requirements are met.*

23 ...

24 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
25 *consistency with all of the following criteria:*

26 a. *Building and Site Design:*

...

ii. *Interior Design: Promotes a coordinated site and building design. Buildings in groups should be*
related by coordinated materials and roof styles, but contrast should be provided throughout a site by
the use of varied materials, architectural detailing, building orientation or housing type; e.g., single
family, townhouses, flats, etc.

1
2 8. The criterion is met for the reasons identified at pages 21-22 of the staff report.

3 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
4 *following requirements are met.*

5 ...
6 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
7 *consistency with all of the following criteria*

8 ...
9 *b. Circulation:*

10 *i. Provides sufficient streets and pedestrian facilities. The planned urban development shall have*
11 *sufficient pedestrian and vehicle access commensurate with the location, size and density of the*
12 *proposed development. All public and private streets shall accommodate emergency vehicle access*
13 *and the traffic demand created by the development as documented in a traffic and circulation report*
14 *approved by the City. Vehicle access shall not be unduly detrimental to adjacent areas.*

15 9. The proposal provides for adequate streets and pedestrian facilities as determined in Finding
16 of Fact No. 4.

17 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
18 *following requirements are met.*

19 ...
20 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
21 *consistency with all of the following criteria*

22 ...
23 *b. Circulation:*

24 ...
25 *ii. Promotes safety through sufficient sight distance, separation of vehicles from pedestrians, limited*
26 *driveways on busy streets, avoidance of difficult turning patterns, and minimization of steep*
27 *gradients.*

28 10. The criterion is met for the reasons identified at p. 22-26 of the staff report.

29 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
30 *following requirements are met.*

1 ...
2 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
3 *consistency with all of the following criteria*

4 ...
5 *b. Circulation:*

6 ...
7 *iii. Provision of a system of walkways which tie residential areas to recreational areas, transit, public*
8 *walkways, schools, and commercial activities.*

9 11. The criterion is met for the reasons identified at p. 22-26 of the staff report.

10 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
11 *following requirements are met.*

12 ...
13 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
14 *consistency with all of the following criteria*

15 ...
16 *b. Circulation:*

17 ...
18 *iv. Provides safe, efficient access for emergency vehicles.*

19 12. The proposal provides for safe and efficient access for emergency vehicles as determined in
20 Finding of Fact No. 4.

21 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
22 *following requirements are met.*

23 ...
24 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
25 *consistency with all of the following criteria*

26 *c. Infrastructure and Services: Provides utility services, emergency services, and other improvements,*
existing and proposed, which are sufficient to serve the development.

1 13. As determined in Finding of Fact No. 4, the proposal is served by sufficient public
2 infrastructure and services to serve the development.

3 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
4 *following requirements are met.*

5 ...

6 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
7 *consistency with all of the following criteria*

8 ...

9 d. *Clusters or Building Groups and Open Space: An appearance of openness created by clustering,*
10 *separation of building groups, and through the use of well-designed open space and landscaping, or*
11 *a reduction in amount of impervious surfaces not otherwise required.*

12 14. The project's principal PUD characteristic is its integration of clustered buildings strategically
13 located adjacent to combined and well-designed open space and critical areas as outlined in Finding
14 of Fact No. 4(D).

15 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
16 *following requirements are met.*

17 ...

18 3. *Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
19 *consistency with all of the following criteria*

20 ...

21 e. *Privacy and Building Separation: Provides internal privacy between dwelling units, and external*
22 *privacy for adjacent dwelling units. Each residential or mixed use development shall provide visual*
23 *and acoustical privacy for dwelling units and surrounding properties. Fences, insulation, walks,*
24 *barriers, and landscaping are used, as appropriate, for the protection and aesthetic enhancement of*
25 *the property, the privacy of site occupants and surrounding properties, and for screening of storage,*
26 *mechanical or other appropriate areas, and for the reduction of noise. Windows are placed at such a*
height or location or screened to provide sufficient privacy. Sufficient light and air are provided to
each dwelling unit.

15. The criterion is met for the reasons outlined at p. 28 of the staff report.

RMC 4-9-150(D): *The City may approve a planned urban development only if it finds that the*
following requirements are met.

1 ...
2 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
3 *consistency with all of the following criteria*

4 ...
5 *f. Building Orientation: Provides buildings oriented to enhance views from within the site by taking*
6 *advantage of topography, building location and style.*

7 16. The buildings are orientated toward the open spaces or toward the offsite view vistas afforded
8 in the naturally elevated site location. There is minimal orientation toward off site non view areas.

9 **RMC 4-9-150(D):** *The City may approve a planned urban development only if it finds that the*
10 *following requirements are met.*

11 ...
12 *3. Additional Review Criteria: A proposed planned urban development shall also be reviewed for*
13 *consistency with all of the following criteria*

14 ...
15 *g. Parking Area Design: Provides parking areas that are complemented by landscaping and not*
16 *designed in long rows. The size of parking areas is minimized in comparison to typical designs, and*
17 *each area related to the group of buildings served. The design provides for efficient use of parking,*
18 *and shared parking facilities where appropriate.*

19 17. Parking across the site would be handled in way as to not have large surface parking areas.
20 Instead the applicant is proposing the use of parallel parking stalls along the perimeter of the
21 proposed drive aisle. The surface parking design is comprised of 90-degree stalls to make maximum
22 use of parking area and provide clear, safe vehicular circulation that promotes visibility. The use of
23 compact stalls is minimal and is well under the code-required maximums for compact stall counts.

24 **RMC 4-9-150(D)(4):** *Each planned urban development shall demonstrate compliance with the*
25 *development standards contained in subsection E of this Section, the underlying zone, and any*
26 *overlay districts; unless a modification for a specific development standard has been requested*
pursuant to subsection B2 of this Section.

18. As discussed below, the proposal complies with all development standards imposed by RMC
4-9-150(E). The proposal is compliant with the standards of the underlying RMF zone for the
reasons identified in Finding of Fact No. 23 of the staff report. As a project located in the RMF zone,
the project is in the District B design district as regulated by RMC 4-3-100. For the reasons identified

1 in Finding of Fact No. 29 of the staff report, the proposal is consistent with all District B design
2 standards.

3 **RMC 4-9-150(E)(1):** *Common Open Space Standard: Open space shall be concentrated in large*
4 *usable areas and may be designed to provide either active or passive recreation. Requirements for*
residential, mixed use, commercial, and industrial developments are described below.

5 *a. Residential: For residential developments open space must equal at least ten percent (10%) of the*
6 *development site's gross land area.*

7 *i. Open space may include, but is not limited to, the following:*

8 *(a) A trail that allows opportunity for passive recreation within a critical area buffer (only the square*
9 *footage of the trail shall be included in the open space area calculation), or*

10 *(b) A sidewalk and its associated landscape strip, when abutting the edge of a critical area buffer and*
11 *when a part of a new public or private road, or*

12 *(c) A similar proposal as approved by the reviewing official.*

13 *ii. Additionally, a minimum area equal to fifty (50) square feet per unit of common space or*
14 *recreation area shall be provided in a concentrated space as illustrated in Figure 1.*

15 19. The 19,795 square feet of community space alone exceeds ten percent of the total 164,827
16 square feet of the project area. This space, along with other open spaces provided in the project site,
17 also satisfies the requirement of 50 square feet per dwelling unit, for a total of 3,700 additional square
feet of open space.

18 **RMC 4-9-150(E)(2):** *Private Open Space: Each residential unit in a planned urban development*
19 *shall have usable private open space (in addition to parking, storage space, lobbies, and corridors)*
20 *for the exclusive use of the occupants of that unit. Each ground floor unit, whether attached or*
21 *detached, shall have private open space which is contiguous to the unit. The private open space shall*
22 *be well demarcated and at least fifteen feet (15') in every dimension (decks on upper floors can*
23 *substitute for the required private open space). For dwelling units which are exclusively upper story*
units, there shall be deck areas totaling at least sixty (60) square feet in size with no dimension less
than five feet (5').

24 20. Ground related units do not have their own private open space. A condition of approval
25 requires that the applicant provide a revised site plan demonstrating compliance with the private open
26 space standard of at least 15-feet in every dimension for all ground related units. Not all upper story
residential units have private open space dimensioned at 60 feet. A condition of approval requires

1 that the applicant provide revised elevations for upper floor units demonstrating compliance with the
2 private open space standard of at least 60 square feet in size with no dimension less than 5 feet.

3 **RMC 4-9-150(E)(3):** *Installation and Maintenance of Common Open Space:*

4 *a. Installation: All common area and open space shall be landscaped in accordance with the*
5 *landscaping plan submitted by the Applicants and approved by the City; provided, that common open*
6 *space containing natural features worthy of preservation may be left unimproved. Prior to the*
7 *issuance of any occupancy permit, the developer shall furnish a security device to the City in an*
8 *amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the*
9 *date of final approval of the planned urban development, and maintained for a period of two (2)*
10 *years thereafter prior to the release of the security device. A security device for providing*
11 *maintenance of landscaping may be waived if a landscaping maintenance contract with a reputable*
12 *landscaping firm licensed to do business in the City of Renton is executed and kept active for a two*
13 *(2) year period. A copy of such contract shall be kept on file with the Development Services Division.*

14 *b. Maintenance: Landscaping shall be maintained pursuant to requirements of RMC 4-4-070.*

15 21. As Conditioned.

16 **RMC 4-9-150(E)(4):** *Installation and Maintenance of Common Facilities:*

17 *a. Installation: Prior to the issuance of any occupancy permits, all common facilities, including but*
18 *not limited to utilities, storm drainage, streets, recreation facilities, etc., shall be completed by the*
19 *developer or, if deferred by the Planning/Building/Public Works Administrator or his/her designee,*
20 *assured through a security device to the City equal to the provisions of RMC 4-9-060...*

21 22. As Conditioned.

22 **RMC 4-9-150(E)(4):** *Installation and Maintenance of Common Facilities:*

23 ...

24 *b. Maintenance: All common facilities not dedicated to the City shall be permanently maintained by*
25 *the planned urban development owner, if there is only one owner, or by the property owners'*
26 *association, or the agent(s) thereof. In the event that such facilities are not maintained in a*
27 *responsible manner, as determined by the City, the City shall have the right to provide for the*
28 *maintenance thereof and bill the owner or property owners' association accordingly. Such bill, if*
29 *unpaid, shall become a lien against each individual property.*

30 23. As conditioned.

DECISION

The proposed preliminary PUD meets all applicable criteria quoted in this decision and for that reason is APPROVED. Requested revisions to development standards identified in Finding of Fact No. 3 are all approved except for revisions to RMC 4-9-150.E.2. The applicant's request for an additional 1.5 feet in building height for the west building as proposed in Ex. 27 is also approved. The proposal is subject to the following Conditions of Approval:


1. The applicant shall comply with the mitigation measures issued as part of the Determination of Non-Significance Mitigated ERC Addendum, dated April 7, 2016.
2. The applicant shall be required to record formal Lot Combination or Binding Site Plan in order to ensure the proposed buildings are not built across property lines. The instrument shall be recorded prior to building permit approval.
3. The applicant shall be required to submit a detailed landscape plan to the Current Planning Project Manager prior to construction permit approval complying with RMC 4-4-070.
4. The applicant shall be required to submit a detailed landscape plan depicting at least 132, two-inch caliper, trees (or the gross equivalent inches) on site; not including the those trees located within the Native Growth Protection Easement. The detailed landscape plan shall be submitted to, and approved by, the Current Planning Project Manager prior to construction permit approval.
5. The applicant shall submit a revised landscaping plan depicting a minimum three-foot landscaped setback from the sidewalk at the base of retaining walls abutting, or within, public rights-of-way. Landscaping shall include a mixture of shrubs and groundcover (trees are optional) in conformance with the standards of RMC 4-4-070H4, Perimeter Parking Lot Landscaping. The revised landscaping plan shall be submitted to, and approved by, the Current Planning Project Manager prior to engineering permit approval.
6. The applicant shall submit a revised Mitigation plan which addresses the criteria found in RMC 4-3-050.H.2 demonstrating the reduced buffer wouldn't negatively impact the function of the stream. The revised mitigation plan shall be submitted to, and approved by, the Current Planning Project Manager prior to engineering permit approval.
7. The applicant shall submit a revised Mitigation plan which addresses the criteria found in RMC 4-3-050.H.2 demonstrating the bridged crossing wouldn't negatively impact the function of the stream. The revised mitigation plan shall be submitted to, and approved by, the Current Planning Project Manager prior to engineering permit approval.
8. The applicant shall establish a Native Growth Protection Easement over that part of the site encompassing the stream and buffer area and place split rail fencing and signage along the outer edge of the buffer. The Final Mitigation plan shall include all specifications for fencing and signage and shall be submitted to, and approved by, the Current Planning Project Manager prior to engineering permit approval.

9. The applicant shall be required to provide, to the Current Planning Project Manager, tree retention inspection/monitoring reports after initial clearing, final grading, and annually for two years by a qualified professional forester. The inspection/monitoring reports shall identify any retained trees that develop problems due to changing site conditions and prescribe mitigation.
10. The applicant shall provide interpretive signage/information regarding differentiating elements (trees, landscaping, drainage, architecture, etc.) of the proposed development at a strategic place(s) on site. The site plan depicting the signage shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit/Final Plat approval whichever comes first.
11. A detailed fencing plan shall be provided identifying the location and specifications for all fencing on site. All fencing shall be made of quality materials in keeping with the architectural aesthetic of the proposed structures. The fencing plan shall be submitted to, and approved by, the Current Planning Project Manager prior to building permit approval.
12. The applicant shall provide a lighting plan that adequately provides for public safety without casting excessive glare on adjacent properties; at the time of engineering permit review. Pedestrian scale and down lighting shall be used in all cases to assure safe pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been approved administratively or is specifically listed as exempt from provisions located in RMC 4-4-075 Lighting, Exterior On-Site.
13. The applicant shall eliminate the proposed access restrictions along SE 172nd St in order to provide full access along SE 172nd St. A revised site plan shall be submitted to, and approved by, the Plan Reviewer prior to engineering permit approval.
14. Prior to the issuance of any occupancy permits, all common facilities, including but not limited to utilities, storm drainage, streets, recreation facilities, etc., shall be completed by the developer or, if deferred by the Planning/Building/Public Works Administrator or his/her designee, assured through a security device to the City equal to the provisions of RMC 4-9-060.
15. All common facilities not dedicated to the City shall be permanently maintained by the planned urban development owner, if there is only one owner, or by the property owners' association, or the agent(s) thereof. In the event that such facilities are not maintained in a responsible manner, as determined by the City, the City shall have the right to provide for the maintenance thereof and bill the owner or property owners' association accordingly. Such bill, if unpaid, shall become a lien against each individual property.
16. The applicant shall create a public outreach sign in coordination with City of Renton to communicate with road users, the general public, area residences and businesses, and appropriate public entities about project information; road conditions in the work zone area; and the safety and mobility effects of the work zone. The sign shall be placed on site prior to construction commencement.

- 1 17. The applicant shall provide a revised site plan demonstrating compliance with the private
2 open space standard of at least 15-feet in every dimension for all ground related units.
3 The revised site plan shall be submitted to, and approved by, the Current Planning Project
4 Manager prior to building permit approval whichever comes first.
- 5 18. The applicant shall provide revised elevations demonstrating compliance with the private
6 open space standard of at least 60 square feet in size with no dimension less than 5 feet
7 for all upper story units. The revised elevations shall be submitted to, and approved by,
8 the Current Planning Project Manager prior to building permit approval whichever comes
9 first.
- 10 19. Prior to the issuance of any occupancy permit, the developer shall furnish a security
11 device to the City in an amount equal to the provisions of RMC 4-9-060. Landscaping
12 shall be planted within one year of the date of final approval of the planned urban
13 development, and maintained for a period of 2 years thereafter prior to the release of the
14 security device. A security device for providing maintenance of landscaping may be
15 waived if a landscaping maintenance contract with a reputable landscaping firm licensed
16 to do business in the City of Renton is executed and kept active for a 2 year period. A
17 copy of such contract shall be kept on file with the Planning Division.
- 18 20. The building entries from a street shall be clearly marked with canopies, architectural
19 elements, ornamental lighting, and/or landscaping and include weather protection at least
20 four and one-half feet (4-1/2') wide. The revised elevations shall be submitted to, and
21 approved by, the Current Planning Project Manager prior to building permit approval.
- 22 21. The applicant shall be required to submit a revised site and landscaping plan depicting
23 entrances and pedestrian connections from ground related residential units, along SE
24 172nd St, to the public sidewalk. The revised landscape and site plan shall be submitted
25 to and approved by the Current Planning Project Manager prior to building permit
26 approval. Staff is aware there may be topographic challenges with entrances along SE
172nd St and the applicant is encouraged to provide stairs to the units or demonstrate
separate entrances are not feasible prior to building permit approval.
22. The applicant shall submit revised refuse and recycle enclosure elevations which include
a roof. The revised elevations shall be submitted to, and approved by, the Current
Planning Project Manager prior to building permit approval.
23. The applicant shall revise the site plan to depict a differentiation in materials for all
pedestrian connections within parking areas and/or drive aisles on site. The revised site
plan shall be submitted to and approved by the Current Planning Project Manager prior to
building/engineering permit approval. If this condition of approval is met the proposal
would satisfy this standard.
24. The applicant shall provide detailed specifications for all site furniture, and art, in order to
ensure durable, vandal- and weather-resistant materials are used. The specifications shall
be submitted to, and approved by, the Current Planning Project Manager prior building
permit approval.

- 1 25. The applicant shall submit revised elevations depicting entrance detailing/weather
2 protection for ground related units, fencing, pedestrian connectivity, lighting fixtures,
3 contrasting materials, and/or special detailing along SE 172nd St. The revised elevations
4 shall be submitted to and approved by the Current Planning Project Manager prior to
5 building permit approval whichever comes first.
- 6 26. The applicant shall submit a materials board subject to the approval of the Current
7 Planning Project Manager prior to building permit approval. The board shall include
8 color and materials for the following: guardrails, façade treatments, retaining walls, raised
9 planters, siding, windows/frames, and canopies. Acceptable materials include a
10 combination of brick, integrally colored concrete masonry, pre-finished metal, stone,
11 steel, glass, cast-in-place concrete, or other superior materials approved at the discretion
12 of the Administrator.
- 13 27. The current left turn and right turn southbound lanes from Benson Road South to SR 515
14 shall be rechanneled by the applicant to one left turn lane and one combined left turn/right
15 turn lane and the applicant shall also modify the light signal at the Benson Road
16 South/SR 515 to accommodate the re-channelization.

17 DATED this 24th day of May, 2016.

18 
19 Phil A. Olbrechts

20 City of Renton Hearing Examiner

21 **Appeal Right and Valuation Notices**

22 RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the
23 Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision
24 to be filed within fourteen (14) calendar days from the date of the hearing examiner's decision.
25 A request for reconsideration to the hearing examiner may also be filed within this 14 day appeal
26 period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new fourteen (14) day
appeal period shall commence upon the issuance of the reconsideration. Additional information
regarding the appeal process may be obtained from the City Clerk's Office, Renton City Hall –
7th floor, (425) 430-6510.

Affected property owners may request a change in valuation for property tax purposes
notwithstanding any program of revaluation.